

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:04CV226

KAI SERVICES, INC.,)
)
 Plaintiff,)
)
 Vs.)
)
 MES INTERNATIONAL, INC.;)
 THOMAS K. FLAHERTY;)
 ALEXANDER A. BELOKON; and)
 GEORGE L. TOUCHTON, III,)
)
 Defendants.)
 _____)

O R D E R

THIS MATTER is before the Court on motion of Defendants MES International and Thomas K. Flaherty to dismiss, the Defendants' joint motion for an extension of time in which to respond to the Plaintiff's discovery requests, a second motion by Defendants Belokon and Touchton to extend time to file response to the motion of Defendants MES and Flaherty to dismiss, and the motion of Defendant MES to strike Plaintiff's reply to counterclaim.

Based on the parties' representations that a significant portion of this litigation will be imminently settled, the Court will deny the motion to dismiss,

the second motion for an extension of time to respond thereto, and the motion to strike without prejudice to renewal.

The Defendants have also moved to extend time to respond to the Plaintiff's discovery requests. Because no pretrial order has been entered, the parties are advised that the Court will not become involved with discovery issues or disputes at this point in the litigation. The parties will be afforded an additional 30 days in which to finalize their settlement negotiations or file their certification of initial attorneys' conference if a settlement has not been reached.

IT IS, THEREFORE, ORDERED that the motion to dismiss of Defendants MES and Flaherty and the motion of Defendant MES to strike are hereby **DENIED** without prejudice to renewal.

IT IS FURTHER ORDERED that the Defendants' motions for extensions of time are hereby **DENIED**.

IT IS FURTHER ORDERED that the parties have to and including January 20, 2006, in which to file their report and certification of initial attorneys' conference pursuant to this Court's Local Rule 16.1.

Signed: December 21, 2005

A handwritten signature in dark ink, appearing to read "Lacy H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

